

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION II  
290 Broadway  
New York, New York 10007

STATEMENT OF BASIS  
DRAFT NPDES PERMIT TO DISCHARGE  
INTO THE WATERS OF THE UNITED STATES  
Prepared by Andrea B. Coats

NPDES Application No. PR0021539

Name and Address of Applicant:

Isleta Marina Condominium  
P.O. Box 459  
Fajardo, Puerto Rico 00740

Name and Address of Facility  
where Discharge Occurs:

Caya Obispo  
Fajardo, Puerto Rico 00680

Receiving Water: Bahia de Fajardo

Classification: SB

I. LOCATION OF DISCHARGE

The above named applicant has applied for a National Pollutant Discharge Elimination System (NPDES) permit, to the U.S. Environmental Protection Agency (EPA) to discharge into the designated receiving water. The location of the discharge, Outfall 001, is described by the following U.S.G.S. coordinates: 18°19'55" latitude X 65°38'04" longitude. A map showing the location of the facility is found in Attachment I.

II. DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The applicant is a sanitary wastewater treatment plant. This activity has a Standard Industrial Classification (SIC) code of 821. The applicant proposes to discharge 378.5 M<sup>3</sup>/day (0.10 MGD) as a daily maximum of wastewaters consisting of secondary treated sanitary wastewater and filter backwash of the swimming pools coming from the Isleta Marina Condominium through discharge point 001 to Bahia de Fajardo.

## Attachment II

The receiving water has been classified SB by the Environmental Quality Board (EQB) of Puerto Rico.

### III. DESCRIPTION OF LIMITATIONS AND CONDITIONS

A brief summary of the basis of each effluent limitation and other conditions in the draft permit is provided in Attachment II.

### IV. STATE CERTIFICATION REQUIREMENTS

State Certification requirements, based upon a Water Quality Certificate (WQC) issued by the Environmental Quality Board (EQB) of the Commonwealth of Puerto Rico, are described in Attachment III. Review and appeals of limitations and conditions attributable to this certification shall be made through the applicable Commonwealth procedures and may not be through EPA procedures.

### V. PROCEDURES FOR REACHING A FINAL DECISION ON THE DRAFT PERMIT

These procedures, which are set forth in 40 CFR 124, are described in the public notice of preparation of this draft permit. Included in the public notice are requirements for the submission of comments by a specified date, procedures for requesting a hearing and the nature of the hearing, and other procedures for participation in the final agency decision.

### VI. EPA CONTACT

Additional information concerning the draft permit may be obtained between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday from:

Walter E. Andrews, Chief  
Water Programs Branch  
U.S. Environmental Protection Agency  
290 Broadway, 24th Floor  
New York, New York 10007  
(212) 637-3876

Carl-Axel Soderberg, Director  
US EPA REGION II  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION  
EDIF CENTRO EUROPA APT 417  
SAN JUAN, PUERTO RICO 00907-4127  
(787) 977-5814

## Attachment II

DESCRIPTION OF LIMITATIONS AND CONDITIONS

The effluent limitations, monitoring requirements, and other conditions of this permit are described in the draft permit. The effluent limitations in the permit are equivalent to the most stringent values specified in the applicable technology-based guidelines or water quality-based limitations.

Discharge Outfall 001: Treated Sanitary Waste  
[Table A-1]

The 30-day average and percent removal requirement for **BOD<sub>5</sub>** and the effluent limitations for **Total Suspended Solids** are based on Best Professional Judgement (BPJ) using the Effluent limitations Guidelines (ELG) for secondary treatment described in 40 Code of Federal Regulations Part 133.102 (a) and (b) respectively. The monitoring frequency for TSS is based on BPJ.

The WQC issued by EQB includes an effluent limitation and monitoring requirement for **Sulfide** (undissociated H<sub>2</sub>S). Special Condition No. 7 of the WQC requires that the analytical method which achieves the lowest possible detection level must be utilized in accordance with Code of Federal Regulations Number 40 (40 CFR) Part 136 for Sulfide (as S). Also, the permittee shall complete the calculation specified in Method 4500-S<sup>-2</sup> F, calculation of Un-ionized Hydrogen Sulfide, of Standard Methods 18<sup>th</sup> Edition, 1992, to determine the concentration of undissociated H<sub>2</sub>S. If the sample results for Dissolved Sulfide is below the detection limit of EPA approved method established in 40 CFR Part 136, the concentration of undissociated H<sub>2</sub>S shall be retorted as “not detectable”. 3

Special Condition 13 was modified from the requirement imposed in the water quality certificate issued by the Puerto Rico EQB. EPA has imposed the quarterly testing requirement to collect data necessary to determine whether this discharge has the reasonable potential to cause or contribute to an exceedance of Puerto Rico's water quality standards for toxicity. This Special Condition is pursuant to water quality based permitting requirements at 40 CFR 122.44(d)(1), which requires EPA and delegated states to evaluate each National Pollutant Discharge Elimination System (NPDES) permit for the potential to exceed state numeric or narrative water quality standards, including those for toxics, and to establish effluent limitations for those facilities with the "reasonable potential" to exceed those standards. This Special Condition is also consistent with the “Region 2 Whole Effluent Toxicity Implementation Strategy”. Federal regulations require both chemical specific limits, based on the state numeric water quality standards or other criteria developed by EPA, and whole effluent toxicity effluent limits if reasonable potential to exceed water quality standards is determined.

Special Condition 13 also asserts the right of EPA and EQB to require additional monitoring based on the results of the quarterly samples, and the right of EPA to reopen this permit to include additional toxicity requirements, such as identification of toxic sources and treatability, and/or effluent limitations if warranted.

## Attachment II

Except for the BOD<sub>5</sub> and TSS limits explained above, all effluent limitations and monitoring requirements of parameters listed in Table A-1 are as imposed in the intent to issue a WQC by the EQB, dated October 5, 2006. A footnote was added in Table A-1 under the parameter Suspended, Colloidal, or Settleable Solids to clarify that testing for these parameters should be conducted for Settleable Solids. The intent to issue a WQC was issued by the EQB for the purpose of assuring compliance with EQB's water quality standards and compliance with other appropriate requirements of State law as provided by Section 401(d) of the Clean Water Act.

This permit is being issued for a term of five years.

General Conditions

These conditions apply to all permits as required by 40 CFR Part 122.41.

Special Conditions

Special Conditions No. 1 through 18 are part of the WQC.